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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/822,233

04/09/2004

Paul Edward Cuddihy

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1728

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7590

10/05/2005

GENERAL ELECTRIC COMPANY  
GLOBAL RESEARCH  
PATENT DOCKET RM. BLDG. K1-4A59  
NISKAYUNA, NY 12309

EXAMINER

TANG, SON M

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/822,233

Applicant(s)

CUDDIHY ET AL.

Examiner

Son M. Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/10/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “sensor comprises a pad...beds, couches or chairs” of claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1-6, 9-12 and 15-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. [US 5,045,839; Ellis].

**Regarding claims 1-3, 9:** Ellis discloses a wireless motion sensor for determining when motion ceases, comprising:

-a detector 14 for detecting activity, a transmitter 36, a processor 28 and a timer 26 wherein upon the timer running to a set time period (predetermined period of time) without detection of any subsequent activity, the transmitter transmits a signal indicative of inactivity to the base station [see Fig. 1 and 6-7, col. 3, lines 62-68 to col. 4, lines 1-8], Ellis does not specifically disclose that a first signal indicative of detection of activity also is being transmitted. It would have been obvious of one having ordinary skill in the art at the time the invention was made that in Ellis et al. lack of transmission of an activity signal is indicative of activity, and that a separate signal indicative of activity can be transmitted to positively convey the condition of activity at the expense of the additional transmission required.

Ellis does not specifically disclose a timer, which begins running upon a first detection of activity. Since, motion sensor determines motionless based on a certain period of time, therefore, it would have been obvious of one having ordinary skill in the art to recognize that the predetermined period of time cycle is started at the first detection of motion.

**Regarding claims 4-5, 10-11:** Ellis discloses all the limitations as described above, except for not specifically disclose that wherein the sensing portion comprising at least one sensing mechanism utilizing a sensing technique of passive infrared, ultrasound, microwave or radar. Examiner taken Official Notice that passive infrared sensing technique is known in the motion detector art, therefore, it would have been obvious of one having ordinary skill in the art at the time the invention was made to implement a passive infrared detecting mechanism in the system, for the purpose of more accuracy.

**Regarding claim 6:** Ellis disclose all the limitations as described above, except for not specifically disclose that wherein the set time period is no greater than five minutes. As long as the sensor is being detected, employing any known number for time period is not constitute of invention step, but it is matter of design choice, therefore, it would have been obvious of one having ordinary skill in the art to employ any appropriate time for time period as desired, such as no greater than five minutes as claimed.

**Regarding claims 15-20:** The claimed method steps are interpreted and rejected as rejection stated above.

4. Claims 7-8, 13-14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. [US 5,045,839; Ellis] in view of Kutzik et al. [US 6,108,685].

**Regarding claim 7-8 and 13-14:** Ellis disclose all the limitations as described above, except for not specifically disclose that the sensor is configured to detect activity in the vicinity comprises a pad for detecting activity of beds. Kutzik teaches a daily living activity monitoring system comprises a motion sensor 304 which obviously formed as a pad and placed between the

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beds of the user in the vicinity for detecting activity [see col. 6, lines 35-38]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to implement a motion sensor on the beds as taught by Kutzik with the system of Ellis, in order to monitor person on the bed.

**Regarding claim 21:** The claimed method steps are interpreted and rejected as rejection stated above.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Platner et al. [US 5,701,117], Shapiro [US 4,524,243], Ichikawa [US 5,153,560], Dwight et al. [US 5,905,436], Shepher [US 6,445,298] and Mudge [US 6,850,159].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**BENJAMIN C. LEE**  
**PRIMARY EXAMINER**